IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 4024 (S/S) of 2001
Old Number
Writ Petition No. 24655 of 1993

Kishan Singh Mehra,
S/o Sri Hayat Singh Mehra,
Health Clerk,
Nagar Palika, Kichcha,
Nainital. **…….Petitioners**

V e r s u s

1. State of Uttar Pradesh.
2. District Magistrate, Nainital.
3. Nagar Palika, Kichcha, Nainital through its Chairman.

…....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Ms. Prabha Noliyal, holding brief of Sri P.M. N. Singh, learned counsel for the petitioner and Sri Paresh Tipathi, learned standing counsel for State of Uttaranchal on behalf of respondents no. 1 and 2. No one is present on behalf of respondent no. 3

By means of this writ petition, the petitioner has prayed for following reliefs:

(i) issue a writ, order or direction in the nature of Mandamus commanding the respondents to take work from the petitioner and to pay his full salary without any interference on the basis of oral termination order dated 14.03.1992;

(ii) issue a writ, order or direction in the nature of Mandamus commanding the respondents to

regularize the services of the petitioner in terms of Government Order dated 03.02.1992;

(iii) *issue a writ, order or direction in the nature of Mandamus commanding the respondents to pay the arrear of salary of year 1991 and 1992 and continue to pay as and when it falls due.*

(iv) *Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstance of the case.*

(v) *Award the costs of present petition to the petitioner*

The submission of the learned counsel for the petitioner is that petitioner was appointed on the post of Health Clerk in Nagar Palika, Kichcha, District-Nainital on daily wage basis and has worked on the said post from 20.12.1986 to 31.03.1991.

No appointment letter has been annexed with the writ petition. Petitioner has filed a certificate issued by the Executive Officer, Nagar Palika Parishad, Kichcha, District-Nainital dated 31.03.1991 certifying that petitioner has worked on daily wage basis as clerk in the Nagar Palika with effect from 20.12.1986 to 31.03.1991.

From the perusal of the documents it appears that petitioner was engaged on daily wage basis and after 31.03.1991, he was asked orally by the respondents that his services are no more required and since then he is not working as Clerk in the Nagar Palika.

Since the petitioner could not show appointment letter issued to him it is not clear whether the petitioner have given work continuously with effect from 20.12.1986 to 31.03.1991, or not.

I do not find any merit in the case, as such, the writ petition is dismiss. However, if petitioner has worked till 31.03.1991 and his wages are due to be paid for that period respondents are directed to make payment of the aforesaid wages.

(M. M. Ghildiyal, J)

May 18, 2006
SKSharma